

February 28, 2005

A REGULAR MEETING of the Akron Village Board was held on this date at 7:30 P.M. Present: Mayor Ray M. Perkins, Trustees Carl E. Patterson, E. Peter Forrestel and Michael R. Middaugh, Village Attorney Daniel D. Shonn, Esq., Superintendent of Public Works Robert W. Kowalik, Building Inspector Donnal D. Folger, VRI Representatives Ken Scherrieble and Al Graham, Planning Board Chair Kathryn Capan and Planning Board Member Richard Forrestel.

Mayor Ray M. Perkins opened the regular meeting with the pledge of allegiance.

RESOLUTION, duly moved by Patterson, seconded by Forrestel, that the Minutes of the Regular Meeting of February 7th, 2005, be and hereby are approved by the Village Board.

ADOPTED	RAY M. PERKINS	- AYE
	CARL E. PATTERSON	- AYE
	E. PETER FORRESTEL	- AYE
	MICHAEL R. MIDDAGH	- AYE

RESOLUTION, duly moved by Forrestel, seconded by Middaugh, that the audit of bills is approved, and the Treasurer is authorized to pay same in accordance with the following abstract of audit vouchers:

General Fund	\$ 18,152.92
Electric Fund	\$ 24,256.59
Water Fund	\$ 7,242.44
Sewer Fund	\$ 18,443.20
Capital Water	\$ 34,270.89
Capital Sewer	\$ 18.66

ADOPTED	RAY M. PERKINS	- AYE
	CARL E. PATTERSON	- AYE
	E. PETER FORRESTEL	- AYE
	MICHAEL R. MIDDAGH	- AYE

RESOLUTION, duly moved by Middaugh, seconded by Patterson, that the following building permits, be and hereby are approved with the application and approval of the Building Inspector:

Don Smith	18 Cedar St.	Roof	\$ 25.00
Chad Cummings	240 East Ave.	New Residence	\$396.00

ADOPTED	RAY M. PERKINS	- AYE
	CARL E. PATTERSON	- AYE
	E. PETER FORRESTEL	- AYE
	MICHAEL R. MIDDAGH	- AYE

A PUBLIC HEARING was held at this time to hear any and all persons for the purpose of considering Local Law #1 for the year 2005

pertaining to the creation of a moratorium regarding the issuance of building permits, zoning amendments, variances, site plans, special use permits, subdivisions and/or permits under the Sewer Law that would increase the inflow of sewage into the wastewater treatment plant of the Village of Akron. Village Clerk-Treasurer Daniel P. Borchert read the Proof of Publication and asked if anyone in attendance wished to speak. Village Attorney Daniel D. Shonn, Esq. noted: 1) that, initially, the matter had been referred to the Village Planning Board which, upon its careful consideration, was recommending the within moratorium; 2) that, pursuant to NYSDEC directive, the Village has been asked to limit further development in the Village until the sewer plant capacity issues are resolved; and 3) that an appeals process is allowed under the proposed moratorium. Mayor Perkins indicated that the NYSDEC is pleased with the progress being made in addressing the sewer plant capacity issues, but that the work continues. After questioned by Pam and Robert Overfield, Attorney Shonn further indicated that the proposed moratorium would be for an initial 6 month period and that building permits for structures or improvements which would not increase the inflow of sewage into the wastewater treatment plant could still be issued under the proposed moratorium.

RESOLUTION, duly moved by Forrestel, seconded by Patterson, that the Public Hearing with regard to Local Law #1 for the Year 2005, be and hereby is closed at 7:44 P.M.

ADOPTED	RAY M. PERKINS	- AYE
	CARL E. PATTERSON	- AYE
	E. PETER FORRESTEL	- AYE
	MICHAEL R. MIDDAGH	- AYE

RESOLUTION, duly moved by Patterson, seconded by Middaugh, 1) adopting Local Law #1 for the Year 2005 pertaining to the creation of a moratorium regarding the issuance of building permits, zoning amendments, variances, site plans, special use permits, subdivisions and/or permits under the Sewer Law that would increase the inflow of sewage into the wastewater treatment plant of the Village of Akron; and 2) authorizing the Clerk to publish the complete text to said Local Law #1 for the Year 2005, be and hereby is approved by the Village Board.

ADOPTED	RAY M. PERKINS	- AYE
	CARL E. PATTERSON	- AYE
	E. PETER FORRESTEL	- AYE
	MICHAEL R. MIDDAGH	- AYE

APPEARANCES – No one appeared to speak.

PUBLIC COMMENT – No one appeared to speak.

Project Reports –

Brooklyn Street Sidewalk/Restoration Project – Nothing new until spring.

Stormwater Outlet to Murder Creek/Replacement Project – Nothing new until spring.

Monthly Reports –

Departments

VRI – Written report for February 2005 submitted. VRI Representative Ken Scherrieble highlighted the following: 1) four sensor points have been installed in the dialer system and are working well; 2) scaled down proposal for methane gas flair unit is awaited from Danforth; 3) work continues with DEC relative to taking the side stream flow out of the overall effluent number; 4) data analysis is almost complete for the I&I study; and 5) data/sampling continues for the Industrial Pre-Treatment Program.

RESOLUTION, duly moved by Forrestel, seconded by Patterson, authorizing the purchase of one Flow Tote 3 Flow Sensing and Data Logger System at a cost not to exceed \$5,035, be and hereby is approved by the Village Board.

ADOPTED	RAY M. PERKINS	- AYE
	CARL E. PATTERSON	- AYE
	E. PETER FORRESTEL	- AYE
	MICHAEL R. MIDDAGH	- AYE

BLDG. INSPECTOR – Donnal D. Folger reported on the following: 1) that there is nothing in NYS Building Code relative to “A” Clamps; 2) that he forwarded sample ordinance to Trustee Middaugh relative to demolition; 3) that he appeared in Justice Court on Wednesday (2/23) relative to East Avenue property maintenance case; and 4) that Clinton Street property maintenance matter is pending until spring.

Elected Officials

TRUSTEES – COORDINATORS

Trustee Middaugh – Reported 1) that 7 units containing freon were picked up in February; and 2) that Town/Village Drainage Committee meets Tuesday night (3/1/05) at the Newstead Town Hall.

Trustee Patterson – Reported 1) that the new part-time police officers have been scheduled for hours; and 2) that, per Chief Lauricella, said officers have utilized portions of their clothing allowances for uniforms, etc. Officer Iacovitti also purchased a gun.

RESOLUTION, duly moved by Patterson, seconded by Forrestel, authorizing the lease of one 2005 Ford Police Interceptor vehicle at a cost not to exceed \$23,267.00, to replace the 2000 Police Department vehicle, be and hereby is approved by the Village Board.

ADOPTED	RAY M. PERKINS	- AYE
	CARL E. PATTERSON	- AYE
	E. PETER FORRESTEL	- AYE
	MICHAEL R. MIDDAGH	- AYE

Mayor Perkins – Reported that work is continuing on the “walkable communities” project. Said project is expected to encourage a healthy environment as well as to promote business in the Villages of Akron, Kenmore, Williamsville and Clarence.

Trustee Forrestel – Reported that the next Water/Wastewater Committee is scheduled for Wednesday, March 9th, 2005.

Old Business –

NYSDEC/SPEDES – Nothing new to report.

Crittenden Road Well Spill Claim – Village Attorney Daniel D. Shonn will work with Clerk-Treasurer Daniel P. Borchert in providing income information relative to claim.

Tinkham Road Water – Town of Darien officials are holding an informational public meeting this evening in Darien.

Strippit Backflow Connection – Nothing new to report.

2005 Federal Community Development Block Grant Projects – Nothing new until June review.

Comprehensive Plan – Village Attorney Daniel D. Shonn will prepare memorandum for the next Board meeting.

No Parking – Brooklyn, Buell, Mechanic, Jackson – Continue to await results from NYS DOT traffic study.

Annexation Town Property, Lewis Road – At a regular meeting of the Newstead Town Board, on the 14th day of February, 2005, a resolution approving the annexation of Village Owned Property by the Village of Akron was adopted by the Newstead Town Board. Said approval of the Town Board being contingent upon the Village of Akron bearing any and all expenses required to effectuate this annexation.

RESOLUTION, duly moved by Forrestel, seconded by Middaugh, adopting a negative declaration for SEQR based upon a completed short form EAF relative to the Annexation of a parcel of land assessed under SBL #33.00-2-27, be and hereby is approved by the Village Board.

ADOPTED	RAY M. PERKINS	- AYE
	CARL E. PATTERSON	- AYE
	E. PETER FORRESTEL	- AYE
	MICHAEL R. MIDDAGH	- AYE

Permit/Building Moratorium – Remove from agenda.

NYSDEC Investigation – Jackson Street Project – Village Attorney Daniel D. Shonn, Esq. reported that DEC investigator Bill Smyth is scheduled to come out to the site this week.

New Business –

RESOLUTION, duly moved by Forrestel, seconded by Perkins, allowing the Akron/Newstead Senior Citizens to utilize Russell Park on May 22, 2005 from 9:00 A.M. to 4:00 P.M. for their Annual Chicken Barbeque Fund Raiser, be and hereby is approved by the Village Board.

ADOPTED RAY M. PERKINS - AYE
CARL E. PATTERSON - AYE
E. PETER FORRESTEL - AYE
MICHAEL R. MIDDAUGH - AYE

Proposed Resolution to Retain Jobs in New York State – Tabled to next meeting.

RESOLUTION, duly moved by Patterson, seconded by Perkins, authorizing the Clerk-Treasurer to write-off nine (9) delinquent electric accounts in the total amount of \$337.24, be and hereby is approved by the Village Board.

ADOPTED RAY M. PERKINS - AYE
CARL E. PATTERSON - AYE
E. PETER FORRESTEL - AYE
MICHAEL R. MIDDAUGH - AYE

Unlicensed Vehicles – Preliminary discussion relative to enforcement, permits and fees under Section 117 Property Maintenance Law of the Village Code. Matter tabled to next meeting.

Correspondence –

Planning Board Minutes – January 18, 2005

Erie County Community Development Consortium, 2006 Federal Budget Impact.

Letter from Six Flags Darien Lake regarding future water sales.

Thank you letter from the Newstead Fire Company to Robert Kowalik.

NYSDEC letter concerning Complaint Investigation at Whiting Roll-up Door.

Erie County Executive Energy Achievement Award Program.

United States Senator Charles Schumer National Endowment for the Arts 2006 Grant Program.

PUBLIC COMMENT TIME – No one appeared to speak.

RESOLUTION, duly moved by Middaugh, seconded by Patterson, authorizing the Board to go into Executive Session at 8:36 P.M. to discuss a personnel issue, be and hereby is approved by the Village Board.

ADOPTED RAY M. PERKINS - AYE
CARL E. PATTERSON - AYE
E. PETER FORRESTEL - AYE
MICHAEL R. MIDDAUGH - AYE

RESOLUTION, duly moved by Forrestel, seconded by Patterson, authorizing the Board to come out of Executive Session at 9:05 P.M., be and hereby is approved by the Village Board.

ADOPTED	RAY M. PERKINS	- AYE
	CARL E. PATTERSON	- AYE
	E. PETER FORRESTEL	- AYE
	MICHAEL R. MIDDAUGH	- AYE

On motion of Middaugh, seconded by Patterson, at 9:06 P.M.
this meeting was ADJOURNED.

MAYOR

VILLAGE CLERK